
Exhibit 12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
No.: 1:20-CV-05441 (KPF)(KWL)

UNIFORMED FIRE OFFICERS)
ASSOCIATION, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
BILL de BLASIO, et al.,)
)
 Defendants.)
_____)

REMOTE VIDEOTAPED DEPOSITION OF
SHERYL MONTOUR
Friday, August 7, 2020

REPORTED BY:

RHONDA HALL-BREUWET, RDR, CRR, LCR, CCR, FPR

JOB NO. 28094

1 SHERYL MONTOUR

2 because I've been providing aggregate
3 information and haven't had to release actual
4 records. And that would come into play when I
5 had to review actual records. But I just --

6 Q When you say actual --

7 A Uh-huh.

8 Q I'm sorry. I cut you off. Please
9 finish.

10 A Because it's just I -- to my
11 understanding, I didn't like the term
12 "reputation" -- it's not that I didn't like
13 it. I just don't quite understand. But it's
14 a privacy matter, and so if I had received a
15 request, I would consider substantiated or
16 unsubstantiated, but I'd follow the guidance
17 that's been provided either through case law
18 or the committee, which I think has opinions
19 out there on the topic.

20 Q Okay. And I'm sorry if my
21 question about reputation was unclear, but I
22 can try to be a little bit more specific.

23 My question was whether the
24 department has considered whether the release
25 of unsubstantiated allegations against

1 SHERYL MONTOUR

2 firefighters could harm the good name of the
3 firefighters who were identified.

4 MS. QUINN: Objection.

5 I'm going to instruct the witness
6 only to answer that question to the extent
7 it doesn't infringe on attorney-client
8 privilege.

9 THE WITNESS: I would say that
10 from my -- from my knowledge and
11 understanding, the case law on this is
12 the -- if it's unsubstantiated, the
13 identity of the party would not be
14 released.

15 BY MR. NORTH:

16 Q Okay. Does the department track
17 FOIL requests and responses using a computer
18 system or database of some kind?

19 A We use the New York City
20 OpenRecords database.

21 Q And is that where you store or log
22 all of the incoming requests and the outgoing
23 responses?

24 A If it's not mail, yes. We track
25 them all through the system, but the responses